REMARKS/ARGUMENTS

Prior to entry of this amendment, the application included claims 1-34. An Office Action mailed March 7, 2006, rejected claims 1-4, 6-9, 11-15, 17, 19, 23 and 26 under 35 U.S.C. § 103(a) as being unpatentable over US Publication No. 2002/0147880 to Wang Baldonado ("Wang") in view of US Patent No. 6,009,459 to Belfiore et al. ("Belfiore"). Claims 5, 10, 16, 18, 20-22, 24, 25 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Belfiore and further in view of US Publication No. 2005/0004889 to Bailey et al. ("Bailey"). Claims 28-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Belfiore and further in view of Bailey and US Patent No. 5,881,131 to Farris et al. ("Farris"). Claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of US Publication No. 2004/0019535 to Perkowski ("Perkowski") and further in view of US Publication No. 2002/0147724 to Fries et al. ("Fries").

This amendment neither amends, cancels nor adds any claims. Hence, after entry of this amendment, claims 1-34 remain pending for examination.

§ 103 Rejections

The office action rejected all pending claims under § 103(a) as being unpatentable over Wang, in various combinations with other references. These rejections are respectfully traversed for at least the reasons below, and reconsideration of the rejected claims is respectfully requested.

Claims 1, 5, 6, 10, 12, 16 and 34 are independent claims. Wang, taken either alone or in combination with the other cited references, fails to teach or suggest each element of any of these claims.

Independent claims 1, 6 and 12

Consider, for example, claim 1, which is directed to "A method of searching and reporting an incidence of at least one of a trademark, a tradename, a celebrity name, and/or famous name in a Web page on the Internet." Claim 1 recites, inter alia, "determining an

unauthorized use of the at least one trademark, tradename, celebrity name, and/or famous name." This claim was rejected under § 103(a) as being unpatentable over the combination of Wang and Bellfiore. Neither Wang nor any other cited reference, however, teaches or suggests this element.

Instead, Wang is directed more generally to "Systems and Methods for Performing Crawl Searches and Index Searches." Wang, Title. Wang, therefore, "allow[s] a user to perform localized searching from a standard web browser. . . . The search results are then assembled in a unified results page and displayed to a user." *Id.*, Abstract. In particular, Wang is directed to a context-based search scheme, in which a desired context (such as a web page, domain, etc.) is searched for the search term, to provide localized results, using a combination of indexed searching and crawled searching. *See id.*, ¶¶ 0013, 0019.

Hence, Wang has nothing whatsoever to do with determining an unauthorized use of a trademark, trade name or the like. In fact, Wang appears to mention trademarks only because the web pages of the firm filing the Wang application were used as the example figures in illustrating how Wang's system performs searches. *See, e.g.*, *id.*, Figs. 2-5 and accompanying text. There is no teaching or suggestion in Wang that, but for the mere fact that these pages contain the term "trademark" (since the firm apparently is an intellectual property specialty firm), the system of Wang provides any functionality specific to trademarks, tradenames or the like.

The office action states that paragraph 0032 of Wang teaches "determining an unauthorized use of the at least one trademark, tradename, celebrity name, and/or famous name," as recited by claim 1. That paragraph is reproduced below in its entirety:

> [0032] The systems and methods of this invention allow users to perform searching which minimizes disruption to the real task at hand. Specifically, by providing a context-aware search tool, the boundaries between searching and browsing become more fluid. The systems and methods of this invention also enable users to retrieve search results quickly, even if the machine from which the search is initiated is a relatively "slow" machine, e.g., because the machine has a slow processor, a single thread of execution or a slow network connection. The dual-prong search strategy of this invention allows users to quickly obtain matches within the context that are available in a global index, while at the same time finding matches on pages within the current

> context that are not in the index, e.g., newly introduced pages, newly edited pages, pages in an obscure location that are not indexed, pages that may be present behind a firewall, or the like.

Clearly, nothing in paragraph 0032 is even remotely related to determining an unauthorized use of a trademark. Instead, paragraph 0032 is directed to the benefits of context-aware searching. Wang describes "context" in this way:

> "[T]he systems and methods of this invention enable context information to be included with either or both of the index search and the crawl search to further refine the scope of the search. Specifically, by recognizing the user's current context, e.g., virtual location or Uniform Resource Locator (URL), by performing a contextualized index search on behalf of the user, and by performing a contextualized crawl looking for results that match the user's query, this invention provides a non-expert user with localized search results in a timely and comprehensive fashion."

Id., ¶ 0013.

Hence, the concept of context-based searching, as described by Wang, fails to teach or suggest determining an unauthorized use of at least one trademark, tradename, celebrity name or famous name, as recited by claim 1. The office action identifies, and a review of Wang reveals, no other disclosure that might be read as teaching or suggesting this element.

Bellfiore does not provide the disclosure missing from Wang in this regard. Bellfiore is directed to a system for Internet searching, whereby "[s]earches are automatically initiated to intelligently locate resources, particularly World Wide Web sites, within a distributed environment in response to a user specifying text via a user interface element." Bellfiore, Abstract. Bellfiore does not teach or suggest the elements of claim 1 discussed above.

Accordingly, the combination of Wang and Bellfiore fails to teach or suggest each element of claim 1, and claim 1 is believed to be allowable over the cited references. Reconsideration of claim 1 in light of these arguments is respectfully requested. Independent claims 6 and 12, which are directed to a system and software program, respectively, recite elements similar to those discussed above with respect to claim 1, and those claims are believed to be allowable for at least similar reasons.

Independent claims 5, 10 and 16

Independent claims 5, 10 and 16 were rejected under § 103(a) as unpatentable over the combination of Wang and Bellfiore, in view of Bailey. As noted above, neither Wang nor Bellfiore teaches or suggests "determining an unauthorized use of the at least one trademark, tradename, celebrity name, and/or famous name." Nothing in Bailey appears to remedy this failure. Hence, claims 5, 10 and 16 are believed to be allowable for at least this reason. Additionally, each of claims 5, 10 and 16 recite additional elements that are not even addressed by the office action. Merely by way of example claim 5 recites, inter alia, "obtaining information relating to an owner of the URL address conducting the unauthorized use" and "informing the owner of the unauthorized use." The office action does not even address these elements of claim 5, and nothing in either Wang, Bellfiore or Bailey appears to teach or suggest either of these elements.

It is worth noting that, with respect to claim 34, discussed below, the office action states that paragraphs 0040 and 0041 of Wang teach identifying an owner of a domain associated with a web page. As noted below, however, neither the cited portion nor anything else in Wang appears to teach this element. Similarly, that passage cannot be read as teaching either "obtaining information relating to an owner of the URL address conducting the unauthorized use" or "informing the owner of the unauthorized use."

For at least these additional reasons, claim 5 is believed to be independently allowable over the cited references. Claims 10 and 16 are believed to be allowable for at least such reasons as well, and reconsideration of claims 5, 10 and 16 is respectfully requested.

Independent claim 34

The office action rejected claim 34 under § 103(a) as unpatentable over Wang, in view of Perkowski and Fries. These references, however, taken either alone or in combination, fail to teach or suggest several elements of claim 34, and claim 34 therefore is believed to be allowable over the cited references.

For example, as an initial matter, claim 34 recites "determining whether the at least one web page constitutes an unauthorized use of the search term." As with claim 1, the

office action cites paragraph 0032 of Wang as teaching this element. As noted above, however, neither paragraph 0032 nor any other portion of Wang appears to teach this element.

Nor does Wang teach or suggest "identifying an owner of a domain associated with the at least one web page." The office action states that paragraphs 0040 and 0041 of Wang disclose this element. A thorough review of those paragraphs, however, reveals no such teaching or suggestion. Instead, those paragraphs describe how a context for a keyword search might be developed. For example, paragraph 0040 teaches that, "[t]he context information could include, but is not limited to, a Uniform Resource Locator (URL), an Internet Protocol address (IP address), a File Transfer Protocol Address (FTP address), a directory, a domain name, a universal resource name, or the like." Nowhere in this description of a search context, however, does Wang teach that an owner of a domain associated with a web page might be identified.

Claim 34 further recites "forming a search string based on the search term." The office action cites paragraphs 0054 and 0055 of Wang as teaching this element. Those paragraphs, however, contain no such teaching. Instead, those paragraphs describe how a series of crawled web pages might be searched to "determine[] whether each of the result pages contain the desired keyword(s) . . . ." Wang, ¶ 0054 (emphasis added). Clearly, the cited portion of Wang teaches that the keywords themselves are searched, such that no separate search string is created from the keywords. It should be noted as well that the Wang's concept of a "search context" does not teach or suggest forming a search string based on a search term. Instead, the search context of Wang merely describes the universe of web pages that will be searched for the search terms, not the formation of any separate search string. *See, e.g., id.*, ¶ 0013 (quoted above).

Nor does Wang teach or suggest "a report engine preparing a report comprising the at least one set of information, wherein the report details in which one or more of a plurality of portions of the at least one web page the search string appears and provides an identification of the owner of the domain associated with the at least one web page," as recited by claim 34. The office action cites paragraphs 0019, 0039 and 0063, as well as the abstract of Wang, as teaching this element. None of those passages teach the claimed element, however. For instance, paragraph 0019 does disclose "provid[ing] a comprehensive list of results to a user,"

but this disclosure does not even come close to teaching or suggesting the claimed element. Paragraph 0039 describes how keywords are input to be searched and therefore does not even mention any sort of a report. Paragraph 0069 provides the most detailed discussion of the Wang's search output display:

> The result development circuit 160 assembles the list of results for display on display device 170 to the user. The result development circuit 160 generates a display, for example, in the form of a graphical user interface, that illustratively contains both the results of the crawl search and the index search. As with a traditional search engine, the result page generated by the result development circuit 160 can include hyperlinks that link information pertaining to the result to each of the result pages. The result page is then displayed on display device 170.

Wang, ¶ 0063. Even this disclosure falls far short of the recited element, however. For example, it includes no mention of either a report that "details in which one or more of a plurality of portions of the at least one web page the search string appears" or a report that "provides an identification of the owner of the domain associated with the at least one web page," both features which are present in the report recited by claim 34.

Hence, Wang fails to teach or suggest multiple elements of claim 34, and neither Perkowski nor Fries remedies those failures. Accordingly, claim 34 is believed to be allowable over the cited references, and reconsideration of that claim is respectfully requested.

Dependent claims 2-4, 7-9, 11, 13-15 and 17-33

For at least the reasons stated above, independent claims 1, 5, 6, 10, 12, 16 and 34 are believed to be allowable over the cited references. Dependent claims 2-4, 7-9, 11, 13-15 and 17-33 likewise are believed to be allowable, at least because they each ultimately depend from allowable base claims. The Applicants, therefore, respectfully request the reconsideration of all pending claims in light of the arguments herein.

Conclusion

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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